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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: *[Signature]*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

BERA MORTGAGE LOAN, INC.,) No. CV 12-05511-UA (VBK)
Plaintiff,)
v.) ORDER SUMMARILY REMANDING
HELEN GRESHTCHUK, et al.,) IMPROPERLY-REMOVED ACTION
Defendants.)

)

The Court will remand this "Complaint for Unlawful Detainer"
[Amount demanded does not exceed \$10,000.00], Case No. 12 U00313, to
state court summarily because Defendant removed it improperly.

On June 25, 2012, Defendant Helen Greshtchuk, having been sued in
what appears to be a routine unlawful detainer action in California
state court, lodged a Notice Of Removal of that action to this Court
and also presented an application to proceed in forma pauperis. The
Court has denied the latter application under separate cover because
the action was not properly removed. To prevent the action from
remaining in jurisdictional limbo, the Court issues this Order to
remand the action to state court.

Simply stated, Plaintiff could not have brought this action in
federal court in the first place, in that Defendant does not

1 competently allege facts supplying either diversity or federal-
2 question jurisdiction, and therefore removal is improper. 28 U.S.C.
3 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
4 546, 563, 125 S.Ct. 2611(2005). Even if complete diversity of
5 citizenship exists, the amount in controversy does not exceed the
6 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
7 §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint
8 recites that the amount in controversy does not exceed \$10,000.

9 Nor does Plaintiff's unlawful detainer action raise any federal
10 legal question. See 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
12 the Superior Court of California, Los Angeles County, Alhambra
13 Courthouse, 150 West Commonwealth, Alhambra, California 91801 for lack
14 of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2)
15 that the Clerk send a certified copy of this Order to the state court;
16 and (3) that the Clerk serve copies of this Order on the parties.

17 **IT IS SO ORDERED.**

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19 DATED: 7/6/12

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HONORABLE AUDREY B. COLLINS
CHIEF UNITED STATES DISTRICT JUDGE